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07 April 2005

GTM43453.FE

Guatemala: The process for acquiring citizenship; possibility of losing one's citizenship; possibility of re-establishing one's citizenship; whether a child under 10 years who leaves Guatemala without the authorization of a parent can lose his or her citizenship (2003-2005)

Research Directorate, Immigration and Refugee Board, Ottawa

Acquiring citizenship

The Embassy of Guatemala to [sic] the United States indicated that citizenship is acquired automatically by persons born of a Guatemalan mother or father in Guatemala (2002).

According to the United States Office of Personnel Management, a person can become a citizen by birth (a person born within the territory of Guatemala, regardless of the nationality of the parents), by descent (a person born abroad, at least one of whose parents is a citizen of Guatemala), or by naturalization (a person who has renounced previous citizenship and who has lived legally in the country for five years collectively without being out of the country for more than one year, or for periods of time that total ten years, or for two years continuously) (Mar. 2001).

Persons who have rendered service to Guatemala, who have lived in another Central American country; who are stateless; or who are accomplished in science, art, or philanthropic efforts are also eligible for citizenship (United States Mar. 2001).

Loss of citizenship

The United States Office of Personnel Management stated in its March 2001 report on citizenship laws of the world that "voluntary renunciation of Guatemalan citizenship is permitted by law [and, to do so, the person concerned should] contact the Embassy for details and required paperwork." The only grounds for involuntary loss of citizenship are when a person "voluntarily acquires the citizenship of a foreign country other than those nations with which dual citizenship agreements exist" (United States Mar. 2001).

The first secretary and consul at the Embassy of Guatemala in Canada said that dual citizenship has been recognized in Guatemala since May 1996 (1 Apr. 2005). Decree No. 86-96, which amended Guatemala's citizenship act (*Ley de nacionalidad*), allows a person to hold two or more citizenships, but these cannot be exercised simultaneously (Embassy of Guatemala to the United States 2002).

Previously, according to the first secretary and consul of the Embassy of Guatemala in Canada, Guatemalan citizenship would be lost when a person renounced it in order to acquire the citizenship of another country that did not recognize dual citizenship (Embassy of Guatemala in Canada 1 Apr. 2005).

The Website for the Embassy of Guatemala to the United States states that according to Decree No. 86-96, Guatemalan citizenship is permanent, except in cases where it must be renounced in order to acquire the citizenship of another country (2002). For example, a Guatemalan citizen loses his or her citizenship when

becoming an American citizen because the terms of the oath made to the United States require that the person concerned renounce his or her former citizenship (Embassy of Guatemala to the United States 2002).

Minors, however, do not lose their citizenship if they leave Guatemalan territory without the authorization of their parents (Embassy of Guatemala in Canada 1 Apr. 2005).

Re-establishing citizenship

In order to re-establish one's Guatemalan citizenship, an application must be made to Guatemala's Department of Foreign Affairs (Embassy of Guatemala in Canada 1 Apr. 2005). Foreigners must submit their applications to the Migration Branch (Dirección de migraciones) (ibid.).

For more information on the procedures that a citizen of a Central American country residing in Guatemala must follow in order to acquire Guatemalan citizenship, please see ZZZ31426.E of 13 May 1999.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Embassy of Guatemala in Canada. 1 April 2005. Correspondence sent by the first secretary and consul.

Embassy of Guatemala to the United States. 2002. "Existe la Doble Ciudadanía?" <<http://www.guatemala-embassy.org/inscitizenchip.php>> [Accessed 1 Apr. 2005]

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United States. March 2001. Office of Personnel Management. *Citizenship Laws of the World*. <<http://www.opm.gov/extra/investigate/IS-01.pdf>> [Accessed 24 Mar. 2005]

Additional Sources Consulted

Internet sites, including: *El Periódico*, Embassy of Guatemala to the United States, Ministerio de Gobernación, Prensa Libre, Visa Reciprocity and Country Documents Finder [United States Department of State], World News Connection.


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